

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ORIGINAL

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BLACKMAN, JOSEPH,

Petitioner/Plaintiff,

-against-

**MEMORANDUM AND ORDER**

Case No. CV-05-4943 (FB) (SMG)

GONZALES, ALBERTO, ATTORNEY GENERAL  
OF THE UNITED STATES; ALPHANZO  
AGUIRRE, COMMISSIONER, U.S. CITIZENSHIP  
AND IMMIGRATION SERVICE; EDWARD  
MCELROY, NEW YORK FIELD OFFICER  
DIRECTOR BUREAU OF IMMIGRATION AND  
CUSTOMS ENFORCEMENT; U.S. CITIZENSHIP  
AND IMMIGRATION  
SERVICE/IMMIGRATION AND  
CUSTOMS ENFORCEMENT; UNITED STATES  
DEPARTMENT OF JUSTICE,

Respondents/Defendants.  
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**BLOCK, District Judge:**

On October 21, 2005, petitioner Joseph Blackman ("Blackman"), alien number A30987372, filed a *habeas corpus* petition pursuant to 28 U.S.C. § 2241 challenging his final order of removal. "The REAL ID Act[, Pub. L. No. 109-13, 119 Stat. 231,] eliminates *habeas corpus* review of orders of removal and requires that any § 2241 petition pending in the district court . . . be transferred to the court of appeals in which the petition could have been properly brought as a petition for review from a final order of removal under 8 U.S.C. § 1252." *Marquez-Almanzar v. I.N.S.*, 418 F.3d 210, 212 (2d Cir. 2005). Accordingly, the Court orders the petition to be transferred to the United States Court of Appeals for the Second Circuit and stays his removal pending further action by the circuit court.

**SO ORDERED.**

  
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FREDERIC BLOCK

United States District Judge

Brooklyn, New York  
October 21, 2005